



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY - REGION II

290 BROADWAY

NEW YORK, NEW YORK 10007-1866

FEB 2 1996

**SUBJECT:** Request to Conduct a CERCLA Removal Action at the Industry Court Site, Deer Park, Suffolk County, New York - ACTION MEMORANDUM

**FROM:** Gregory B. DeAngelis, On-Scene Coordinator  
Response and Prevention Branch *[Signature]*

**TO:** Kathleen C. Callahan, Director  
Emergency and Remedial Response Division

**THRU:** *[Signature]*  
Richard C. Salkie, Associate Director for  
Removal and Emergency Preparedness Programs

**Site ID No.:** GU

**Site CERCLIS ID No.:** NY0001327725

**I. PURPOSE**

The purpose of this Action Memorandum is to request approval for a removal action to be initiated at the Industry Court Site, at 171 Industry Court, (Block 0.100, Lot 17), Deer Park, Suffolk County, New York. This removal action will entail site stabilization, sampling, packaging, transport and disposal of all hazardous materials identified on site.

On December 27, 1995, New York State Department of Environmental Conservation (NYSDEC) verbally requested the United States Environmental Protection Agency (EPA), conduct a removal action of abandoned chemical material discovered in a recovered stolen trailer located at 171 Industry Court, Deer Park, New York.

An expedited removal assessment (ERA) was started on December 27, 1995, to determine the removal action eligibility under the provisions of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) as amended by

459285



42 U.S.C. § 9601 et. seq. The completion of the ERA was delayed, awaiting the Suffolk County District Attorney's Environmental Crime Unit's (SCDAOECU) January 22, 1996, criminal investigation. EPA's ERA was completed during the criminal investigation.

This site is not on the National Priorities List (NPL), and there are no nationally significant or precedent setting issues associated with this site.

## II. SITE CONDITIONS AND BACKGROUND

### A. Site Description

#### 1. Removal Site Evaluation

On December 27, 1995, EPA conducted an inspection of the Site in conjunction with NYSDEC. EPA entered the site on access granted by the president of the American Pallet Company which own the trailer and the property where the trailer is now located. The ERA conducted on that date, was limited by the Suffolk County criminal investigators, because the trailer was classified as a crime scene and access to the trailer was not available until January 22, 1996. The December 27th assessment looked at the surrounding area and the condition of the trailer. The ERA was completed on January 22, 1996. Waste materials located at the Site based on the SCDAOECU December 11, 1995, sampling investigation and by the labels identified during the January 22, 1996, expedited removal assessment, identified 115 55-gallon drums of caustics and acids. It appears that the wastes were part of two or more cleanup operations at either plating or refinishing facilities in the Detroit, Michigan area. The material was moved by the SCDAOECU during its criminal investigation to another trailer for storage until a cleanup can begin. There are eight drums that could not fit into the trailer and are being stored outside under a tarp in the companies parking lot (the new trailer was a little smaller then the original trailer). There are parking lot drains which directly discharge to groundwater and a public drinking water well/storage tank located within 200 yard of the site. The site is fenced, but has no lighting or night time security. Of the 115 drums, approximately 80% are steel and 20% are plastic. The plastic drums are in good shape, but 15% of the steel drums are either bulging, dented, rusted or missing lids. The drums are haphazardly stacked within the trailer without regard to compatibility, and there is no heat in the trailer which could cause the drums to burst if the contents freeze.

There is no secondary containment of the trailer and if the material leaks from the trailer to the parking lot, it could enter storm drains (direct discharge to groundwater) which are located within 100 feet of the trailer. There is no evidence of

vandalism and public entry into the trailer or the site. During the sampling/identification process it was determined that some materials were corrosive, and flammable as well as CERCLA listed hazardous substances, which pose a threat to both the environment and public health. Wastes in the drums included flammable paints, lacquers, and thinners, caustics, and corrosives.

## 2. Physical Location

The Site is located at 171 Industry Court (Block 0.100, Lot 17), Deer Park, Suffolk County, New York. The Site occupies approximately 2.5 acres and is situated in a industrial and commercial area, which is adjacent to residential properties. The site is bordered on the north side by a wildlife preserve, and on the east, south and west by commercial properties. Within 1/4 mile of the site are residential areas, heavy industry, commercial properties, a school, railroad tracks, a public drinking water well\supply, and major highways/roads.

## 3. Site Characteristics

The Industry Court Site is located at a pallet manufacturer company on a 2.5 acre site. This site or company never produced electro-plating or refinishing wastes, but rather had these waste abandoned in one of their trailers which was stolen in January 1995 and then recovered in December 1995.

Records indicate that the trailer was reported stolen in January 1995. In December 1995, the trailer was found abandoned along the roadside on Long Island. When the trailer was initially opened, it appeared to be stacked floor to ceiling with pallets. The trailer was then moved back to the company's property at 171 East Industry Court, Deer Park, New York to be unloaded. In the process of unloading the pallets, the drums of waste were uncovered. The police were notified immediately who then contacted the Environmental Crimes Unit of the Suffolk County District Attorney's office.

On December 27, 1995, an expedited removal assessment was started by EPA and completed on January 22, 1996. The inspection revealed the presence of the materials mentioned previously in this memorandum.

## 4. Release or Threatened Release into the Environment of a Hazardous Substance, or Pollutant or Contaminant

Information regarding the materials at the site is based upon labels and state data observed and acquired during the expedited removal assessment. Some of these materials are hazardous substances as defined by Section 101(14) of CERCLA. The following is a partial list of the CERCLA Listed Hazardous Substances at the site.

<u>Substances Identified</u>	<u>Statutory Source for Designation as a Hazardous Substance</u>
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Nitric Acid	CWA § 311(b)(4)
Nickel Nitrate	CWA § 311(b)(4)
Phosphoric Acid	CWA § 311(b)(4)

In addition, there are other substances that meet the Resource Conservation and Recovery Act (RCRA) definition for the characteristics of corrosivity and flammability as outlined in 40 CFR 261. The following is a partial list of the RCRA corrosive and flammable substances.

Substances Identified

Paints, Lacquers, Thinners  
Propoxypropanol  
Fluosilicic Acid  
Acid Liquids  
Caustic Liquids  
Sodium Hydroxide

These hazardous substances are acutely and chronically toxic, corrosive, and/or flammable.

The potential health effects from these compounds are identified below:

Potential Health and Toxicological Effects

	Inhalation,	Skin Absorption,	Ingestion			
				Eye, Skin,	Respiratory System Irritant	
					Central Nervous System Damage	
					Respiratory System Damage	
					Liver Damage	
					Kidney Damage	
Waste Ignitable Liq.	X	X				
Nitric Acid	X	X			X	
Phosphoric Acid	X	X			X	
Nickel Nitrate	X				X	X
Fluosilicic Acid	X	X			X	
Acids/Caustics	X	X			X	
Sodium Hydroxide	X	X			X	
Methyl Ethyl Ketone	X	X			X	
Xylene	X	X	X			X X

Possible contamination of the soil and groundwater could occur from the containers leaking or rupturing via outside storage and direct discharge to ground water drains. Due to the presence of caustics and acids being stored together in an area with huge quantities of wood storage in the immediate area; the threat of fire at the facility does exist. Should a fire occur, it would have a severe impact on the adjacent industrial, commercial, and residential properties in the area. The toxic fumes created by the uncontrolled combustion of these materials would severely impact the surrounding population, possibly necessitating the evacuation of the surrounding population and the closure of surrounding industries, businesses, rail lines and roadways. Additionally, the runoff from fire fighting efforts would flow into the adjacent storm sewers and could be discharged into the ground water effecting local drinking water supplies.

5. NPL Status

At the present time, the Site is not on the NPL and there are no efforts underway to include this Site on the NPL.

B. Other Actions to Date

1. Previous Actions:

The SCDAOECU has been involved with the site since the recovery of the trailer. They initially sampled five drums and locked up the trailer as a crime scene until the investigation could be completed on January 22, 1996. At that time an additional eight samples were taken for analysis.

2. Current Actions

On December 27, 1995, EPA initiated an expedited removal assessment to determine whether the site met the criteria to conduct a removal action to stabilize, sample and dispose of the hazardous substances on site.

C. State and Local Authorities' Roles

1. State and Local Actions to Date

On December 27, 1995, NYSDEC verbally referred the site to EPA. A written referral from NYSDEC was received on January 26, 1996.

2. Potential for Continued State/Local Response

Neither NYSDEC or local government have the resources available to do the necessary removal action at the site. These organizations will act in a supporting role throughout the removal action.

### III. THREATS TO PUBLIC HEALTH OR WELFARE OR THE ENVIRONMENT, AND STATUTORY AND REGULATORY AUTHORITIES

#### A. Threats to Public Health or Welfare

The hazardous substances located throughout the Site are stored in an unsafe manner. The areas where these materials are stored is not maintained in a temperature controlled environment. The present storage conditions heightens the chance for rupture and leakage. The condition of materials at the Site and proximity of other industrial, commercial and residential areas to this property contribute to the possibility of direct human contact. The vast majority of the materials present are unknowns, therefore, the effects of acute or chronic exposure cannot be predicted. The incompatible storage of flammables, acid and caustics, combined with the tremendous amount of wood stored in the immediate area increases the threat of a fire at the facility. Should a fire occur it would spread across the facility quickly and involve most of the material found at the Site. The toxic fumes created by the uncontrolled combustion of these materials would severely impact the surrounding population, possibly necessitating the evacuation of the surrounding population and the closure of industrial/commercial facilities, rail lines and major highways. Industrial, commercial, and residential properties and a school are located within 1/4 mile from the site.

#### B. Threats to the Environment

Possible contamination of the soil, surface water and groundwater could occur from the containers leaking/rupturing and discharging onto the ground. The runoff from rain or fire fighting efforts would flow into the ground water and possibly into nearby streams.

### IV. ENDANGERMENT DETERMINATION

Actual or threatened releases of hazardous substances from the Site, if not addressed by implementing the response action selected in this Action Memorandum may present an imminent and substantial endangerment to public health, welfare, or the environment.

### V. PROPOSED ACTIONS AND ESTIMATED COSTS

#### A. Proposed Actions

##### 1. Proposed Action Description

The purpose of this Action Memorandum is to secure, stabilize and dispose of hazardous substances identified at the site.

Site activities will include, but not be limited to, the following:

- Overpack deteriorated drums;
- Inventory and segregate materials;
- Transfer liquid and sludge contents to stable containers as necessary;
- Decontamination of the trailer as necessary;
- Perform disposal sampling/analysis, to include compatibility sampling, for all on-site materials;
- Conduct soil sampling for conspicuous areas of contamination, if warranted based on leakage from the trailer;
- Conduct soil removal activities as necessary, based on soil sampling results;
- Determine appropriate disposal method for all materials;
- Transportation and disposal of all hazardous substances to a RCRA approved disposal facility in accordance with EPA's CERCLA Off-Site Disposal Policy.

2. Contribution to Remedial Performance

The proposed action will contribute effectively to any long term remedial action with respect to the release or threatened release of hazardous substances. This removal action is consistent with any future long-term remedial action undertaken at the site.

3. Description of Alternative Technologies

Alternative technologies will be considered so long as they prove to be cost effective and efficient.

4. Engineering Evaluation/Cost Analysis (EE/CA)

Due to the time-critical nature of this removal action, an EE/CA will not be prepared.

5. Applicable or Relevant and Appropriate Requirements (ARARs)

ARARs within the scope of the project, including RCRA and CERCLA regulations that pertain to the disposal of hazardous wastes, will be met to the extent practicable.

6. Project Schedule

The removal action can be initiated within two weeks of approval for funding. Overpacking, materials transferring, staging, segregating and sampling will occur thereafter.

B. Estimated Costs:

1. Extramural Costs:

Regional Allowance Costs:	\$150,000
(Total clean-up contractor costs include labor, equipment, materials, and laboratory disposal analysis)	

Other Extramural Costs not Funded  
From the Regional Allowance:

Total; TAT, including multiplier costs	\$ 16,500
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Subtotal, extramural costs	\$166,500
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Extramural Costs Contingency	\$ 33,300
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TOTAL, EXTRAMURAL COSTS (rounded to nearest \$1,000)	\$200,000
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Intramural Costs:

Direct	\$ 16,000
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Indirect	\$ 32,000
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TOTAL, INTRAMURAL COSTS	\$ 48,000
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TOTAL, Extramural & Intramural Costs:	\$248,000
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TOTAL, REMOVAL PROJECT CEILING	\$248,000
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VI. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN

Delayed action or no action could result in the release of hazardous substances into the environment, thereby exposing the nearby residents and employees of the surrounding industries to hazardous substances and causing contamination of the soil, groundwater and nearby waterways. Due to the lack of lighting and inadequate fencing/security on the site, the potential for unrestricted access to the property, due to vandalism, transients, or children playing, could expose individuals by direct contact.



**VII. OUTSTANDING POLICY ISSUES**

None.

**VIII. ENFORCEMENT**

Efforts will be made to identify any viable Potentially Responsible Parties (PRPs) to assume responsibility for the cost of the clean-up. The On-Scene Coordinator will work with the Program Support Branch, the Office of Regional Counsel, the Suffolk County DA's office and the NYSDEC in an attempt to locate viable PRPs.

**IX. RECOMMENDATION**

This decision document represents a selected Removal Action for the Industry Court Site, Deer Park, Suffolk County, New York. It was developed in accordance with CERCLA as amended, and not inconsistent with the NCP. This decision is based on the Administrative Record for the Site.

Conditions at the site meet the NCP Section 300.415(b)(2) criteria for a Removal Action. Approval of this action memorandum will grant your authority for a total project ceiling of \$248,000 with a mitigation ceiling of \$150,000.

Please indicate your approval of the authorization of funding for the Industry Court Site, as per the current delegation of authority by signing below.

Approved:

Kathleen C. Callahan Date: 3/15/96  
Kathleen C. Callahan, Director  
Emergency and Remedial Response Division

Disapproved:

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Kathleen C. Callahan, Director  
Emergency and Remedial Response Division

Date: \_\_\_\_\_

cc: (after approval is obtained)

J. Fox, RA  
R. Salkie, 2ERR-RAB  
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